

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT JAMES SWINT,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:24-cv-00961
)	
ANCESTRY.COM, et al.,)	JUDGE RICHARDSON
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Plaintiff Robert Swint, an Oregon resident proceeding pro se, has filed a civil Complaint against Defendants Ancestry.com, Facebook, Walmart, and AM/FM LLC. (Doc. No. 1.) Plaintiff has not paid the civil filing fee or filed an application for leave to proceed in forma pauperis (IFP). While the Court would ordinarily first require resolution of the filing fee issue, the Complaint in this case is completely nonsensical and plainly fails to establish any basis for jurisdiction in this Court. It will therefore be dismissed.

Plaintiff describes the Defendants as “a group of members of a time period that sort of became tradition until either his mother activates or . . .” (Doc. No. 1 at 1 (ellipses in original).) In attempting to explain the basis for invoking federal question jurisdiction, he states that “ORS (anthem for the year 2000 sums it up) Diane Feinstein/Day’O Conner the evidence is every movie/song/court system pointed out by her attorney plus actively participating in the covering up and enabling of the mandatory conditions that there[’]s no law or order or anyone in a position of power or authority who ordered it, or even said it[,] yet majority won’t stop doing it AKA proceeding.” (*Id.* at 2.) He does not allege the citizenship of any party and describes the amount in

controversy only as “Bluebird,” though he subsequently appears to request three million dollars. (*Id.* at 2–3.) Plaintiff concludes his Complaint with gibberish about the 1969 moon landing and attempts to “erase” his wife’s brain by “peoples all connected to one guy whose (sic) an idiot.” (*Id.* at 3–4.)

“[A] district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (citing *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974) (citing numerous Supreme Court cases for the proposition that patently frivolous, attenuated, or unsubstantial claims divest the district court of jurisdiction) and *In re Bendectin Litig.*, 857 F.2d 290, 300 (6th Cir. 1988) (recognizing that federal question jurisdiction is divested by obviously frivolous and unsubstantial claims)). This avenue of dismissal “is not proper if a district court is merely skeptical about a plaintiff’s ability to ultimately state a claim under Rule 12(b)(6),” but “is reserved only for patently frivolous complaints, which present no Article III case because there is ‘no room for the inference that the question[s] sought to be raised can be the subject of controversy.’” *Zareck v. Corr. Corp. of Am.*, 809 F. App’x 303, 305 (6th Cir. 2020) (quoting *Hagans*, 415 U.S. at 537)). Here, the allegations of the Complaint before the Court are patently frivolous, nonsensical, and utterly implausible. They fail to present any claim with an arguable or rational basis in law or fact over which the Court might properly exercise jurisdiction. Dismissal of this case is therefore required. *See* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).

Accordingly, this case is **DISMISSED** pursuant to Federal Rule 12(b)(1) and (h)(3), due to the Complaint's failure to present allegations or claims sufficient to support the exercise of federal subject-matter jurisdiction. The Court **CERTIFIES** that any appeal from this dismissal would not be taken in good faith. *Id.* § 1915(a)(3).

This is the final order in this action. The Clerk **SHALL** enter judgment. Fed. R. Civ. P. 58(b)(1).

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE